

ZB# 04-11

Sandra Welch (Pirnik)

65-1-1.2

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 3-22-04

ZBA #04-11 SANDRA WELCH (PIRNIK)
MT. AIRY ROAD (65-1-1.2) (AREA)

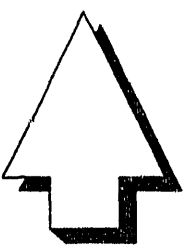
Sandra Welch

534-0393

N/F
I & P ASSOCIATES
L.2390 P.95

N/F
SESAME ESTATES, INC.
L.1863 P.416

N/F
ENGENITO
L.4571 P.30



AREA=0.4924 ACRES

PRELIMINARY

SITE PLAN
FOR

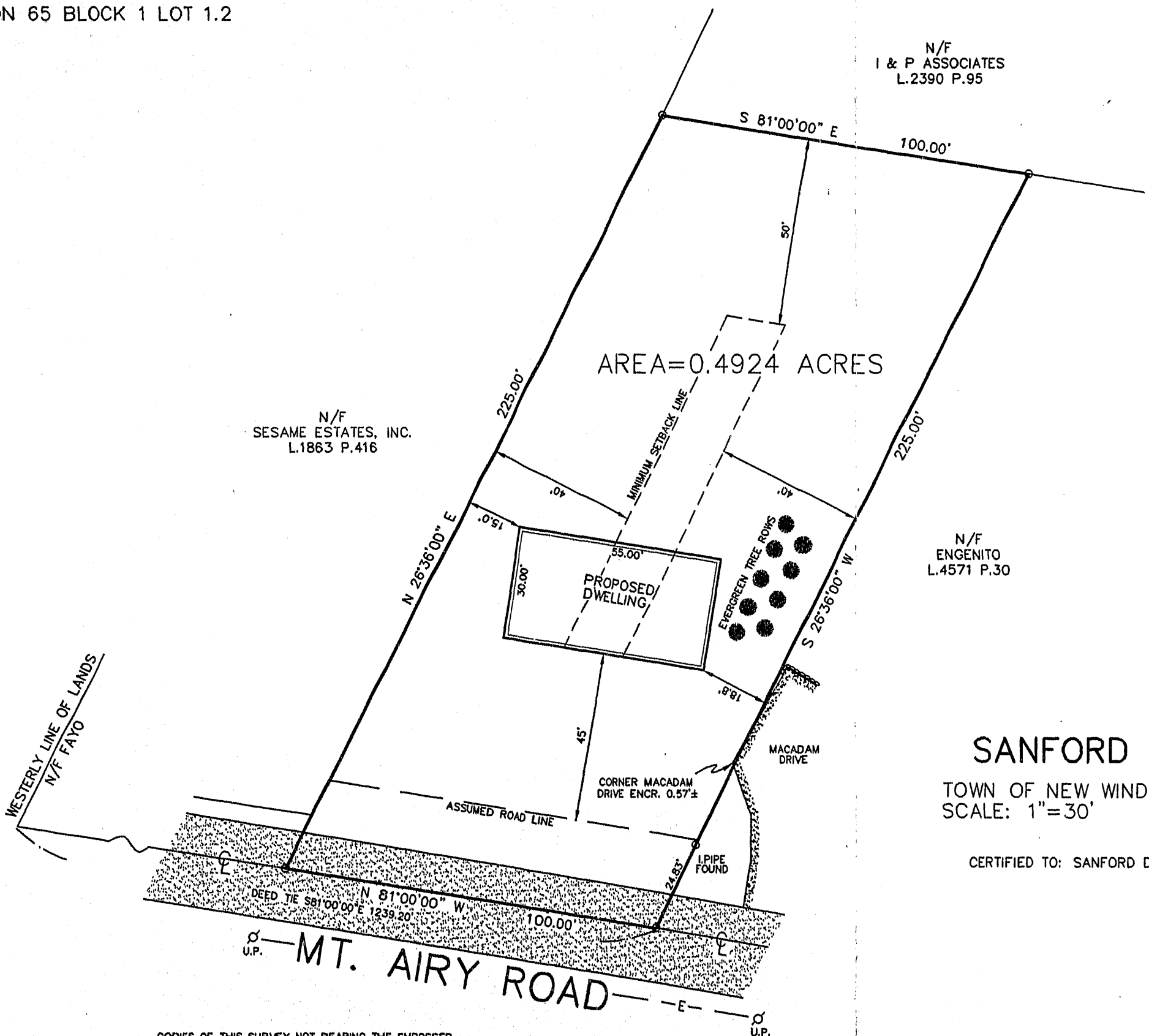
SANFORD D. & SANDRA CELLA WELCH

TOWN OF NEW WINDSOR
SCALE: 1"=30'

ORANGE COUNTY N.Y.
AREA=0.4924 ACRES

DECEMBER 10, 2003

CERTIFIED TO: SANFORD D. WELCH AND SANDRA CELLA WELCH, TO BE CORRECT AND ACCURATE.



COPIES OF THIS SURVEY NOT BEARING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID. GUARANTEES OF CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

UNAUTHORIZED ALTERATION OF THIS DOCUMENT, IN ANY WAY, CONSTITUTES A VIOLATION OF THE STATE OF NEW YORK EDUCATION LAW SECTION 7209 (2).

OR03-152

LIC.49087
JAMES A. DILLIN, PLS
PROFESSIONAL LAND SURVEYOR
GOSHEN, NEW YORK

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 65-1-1.2

In the Matter of the Application of

SANDRA WELCH

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #04-11

WHEREAS, Applicant Sandra Welch, representing George and Helen Pirmik , owner(s) of 65-1-1.2 – Mt. Airy Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an

22,111 ft. Minimum Lot Area and;	(C-6)
25 ft. Minimum Lot Width and;	(D-6)
5 ft. / 2 ft. Side Yard Setbacks and;	(F-6)
7 ft. Total Side Yard Setback	(F-6)

For proposed single-family house on Mt. Airy Road in an **R-3 Zone**

WHEREAS, a public hearing was held on March 22, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant, Sandra Welch, along with Robert Enginito, appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.

- (b) The applicant seeks to build a single-family home on the property.
- (c) The house would be screened from neighboring houses by a tree line buffer.
- (d) If the application is approved, the applicant proposes to build a one-family home which will require the removal of no trees or substantial vegetation.
- (e) The house will be served by municipal water and septic field.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a

22,111 ft. Minimum Lot Area and;	(C-6)
25 ft. Minimum Lot Width and;	(D-6)
5 ft. / 2 ft. Side Yard Setbacks and;	(F-6)
7 ft. Total Side Yard Setback	(F-6)

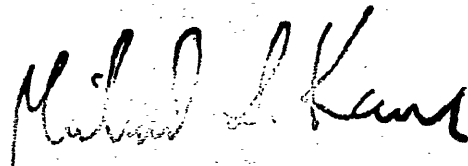
For proposed single-family house on Mt. Airy Road in an **R-3 Zone**

as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: March 22, 2004



Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

June 16, 2004

Sandra Cella Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520

SUBJECT: REQUEST FOR VARIANCE #04-11

Dear Ms. Welch:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MAY 12, 2004
SUBJECT: ESCROW REFUND #04-11

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 186.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-11

NAME & ADDRESS:

**Sandra Cella Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520**

THANK YOU,

MYRA

L.R.05-12-04



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-11 TYPE: AREA

APPLICANT Name & Address:

Sandra Cella Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520

TELEPHONE: 914-541-3266

RESIDENTIAL:	\$ 50.00	CHECK # <u>1203</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1202

Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>4</u>	PAGES \$ <u>22.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES \$ _____	\$ _____
PUBLIC HEARING:	<u>4</u>	PAGES \$ <u>22.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES \$ _____	\$ _____
TOTAL:		\$ <u>44.00</u>	\$ <u>70.00</u>

Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 114.00

AMOUNT DUE: \$ _____

REFUND DUE: \$ 186.00

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 1/15/04

APPLICANT: Sandra Cella Welch
23 Andrews Street
Cornwall on Hudson, NY 12520

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/14/04

FOR : George & Helen Pirnik

LOCATED AT: Mt. Airy Road

ZONE: R-3 Sec/Blk/ Lot: **65-1-1.2**

DESCRIPTION OF EXISTING SITE: Vacant land

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-12 Use/Bulk Table R-3 Zone

1. Column A-6 Single Family Dwelling without sewer and water. Variances are required for lot area, lot width, required side yard, required side yard/total both yards.


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3	USE:		
C-6	MIN LOT AREA: 43,560ft	21,449ft	22,111ft
D-6	MIN LOT WIDTH: 125ft	100ft	25ft
	REQ'D FRONT YD: 45ft	N/A	N/A
F-6	REQ'D SIDE YD: 20ft	15ft/18ft	5ft/2ft
F-6	REQ'D TOTAL SIDE TD:40ft	33ft	7ft
	REQ'D REAR YD: 50ft	N/A	N/A
	REQ'D FRONTAGE: 70ft	N/A	N/A
	MAX BLDG HT: 35ft	N/A	N/A
	FLOOR AREA RATIO: N/A	N/A	N/A
	MIN LIVABLE AREA: 1,200	N/A	N/A
	DEV COVERAGE: 10	N/A	N/A

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected and approved.

RECEIVED

JAN 14 2004

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
Building Permit # 2004-41

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises George & Helen Pirnik
Address 13260 Broadhurst Loop Ft. Myers FL. 33919 Phone (239) 481-5054
Mailing Address 13260 Broadhurst Loop Ft. Myer FL Fax #
Name of Architect Charles Brown / Taconic Engineer
Address 1 Gardner Town Rd., Newburg Phone 569-8400
Name of Contractor Sandy Welch

Address 23 Condie's St., COH, NY Phone 845-534-0393

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the East side of Mt. Airy
(N, E or W)
and 2000 feet from the intersection of Bethlehem Rd.
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ☒
3. Tax Map Description: Section 65 Block 1 Lot 1.2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Vacant Land b. Intended use and occupancy Single family Residence
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? no
7. Dimensions of entire new construction. Front 60 Rear 60 Depth _____ Height 28' No. of stories 2
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms 4 Baths 2.5 Toilets 3 Heating Plant: Gas _____ Oil ☒
Electric/Hot Air _____ Hot Water ☒ If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee \$50- **ZONING BOARD**

9119103

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 583-4818
(845) 583-4865 FAX

Blg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Michael L. Babcock

(Signature of Applicant)

(Address of Applicant)

Same
(Owner's Signature)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

100X 209

N

45' Front

50' Back

20' Side

W

E

S

34
14
20

SECTION OF MAP TO BE USED IN PROGRESS

5588,000
N536,000

SEC

SILVER
STREAM
RESERV

N

1

86

76A(C)

85

7A(C)

(2) 83.2
21.8A(C)

54

82 83.1
1A
174 167.2

FAYO SUB

MAP 7492

MT. 409.2

BUCK (1) 3.1 1.3A
SUB (2) 3.2 1.2A
MAP 6657 (3) 3.3 1.5A
(4) 3.4 1.2A

1415 150.44
138.5 150.3

110 156.5
75.1 200

75.2
4.4A

200 74
50.7 200

200 73
200 72

66.2

66.1
23.4A(C)

76
19.4A

100 99.3 203.3
200 70
200 69
200 68
200 67

203 4
200 584

63.7

5.1
3.4A

5.2
18.4A(C)

6
2A

200 200

200 200

200 200

200 200

200 200

200 200

10
1.5A

11
1.4A

103 121.7

12.3
3.2A

1.3A

REV MAP

1961

(3)

10 CATHERINE ACRES

18,000

SECTION 76



mt. Airy Rd.

Sec. 65

B1 1

lot 1.2





SANDRA WELCH (PIRNIK) #04-11

Mr. Sandy Welch and Mr. Robert Enginito appeared before the board for this proposal.

MR. KANE: Request for 21,111 ft. minimum lot area, 25 ft. minimum lot width, 5 ft./2 ft. side yard setbacks and 7 ft. total side yard setback for proposed single-family house on Mt. Airy Road in an R-3 zone. Is there anybody in the audience for this hearing? Tell us what you want to do, Mr. Welch. First, I had one question looking at the layout as far as your variances and whether you can just put it up, clear it up, the home is on an angle, slight angle leaving you 15 feet on this side and 18'8" on this side and that's where we're looking for the side variances. Now, if my math is correct, your house is 55 feet wide, you have 100 foot frontage, you can go if you straighten it out to the lot you can get 22 feet on one side, 23 feet on the other side and do away with two of these variances.

MR. WELCH: That's very doable, we tried to keep it aesthetically parallel, that's an easy change.

MR. KANE: Yeah.

MR. BABCOCK: Mr. Chairman, I think what happened was the--

MR. KANE: If it's not a big deal, I just noticed it and by law, we go for the minimum that we can do, so if that's something you can do without putting a variance in it, that might be better that way.

MR. BABCOCK: If you look at the survey, that surveyor has shown that the side yard requirement is 40 feet and that dotted line is that the buildable area?

MR. WELCH: Being the building envelope.

MR. KANE: If the side yard is 20 with a total of 40, right.

MR. BABCOCK: Yeah, the new is 40, so I think he used the 40 for what today's requirements are, so they said even if they turn the house this way, they'd need a variance, that's why they put the house that way and said let's line it up with the road.

MR. KANE: Today it's over 40,000 square feet so it becomes 40 on the side?

MR. BABCOCK: Yes.

MR. KANE: Okay then we'll leave it as is.

MR. BABCOCK: And I think Mr. Chairman again the--

MR. KANE: Gotten any complaints about the house being built over here?

MR. ENGINITO: No, I'm here in support.

MR. WELCH: We'd leave the trees for a buffer.

MR. KANE: Mike, correct me, straighten me out on one thing, it says requested side yard, permitted is 20 feet, proposed is 15 and 18.

MR. BABCOCK: Yes, but what I'm saying is that when these gentlemen laid out the house when their architect or surveyor did it, they proposed 40 foot side yard setback instead of 20 cause today's zoning is 40 feet, this lot still qualifies for the old zoning under the old zoning until October of this year.

MR. KANE: So do we have to put, I don't know, do we have to put the numbers in for the new zoning or the numbers for the old?

MR. BABCOCK: No, old zoning, they still qualify for the old zoning up until October of this year. After that, we'd use the new numbers.

MR. KANE: Okay, I wanted everything to go down correctly so there's no problem. Will you be cutting down any trees or substantial shrubbery with the building of it?

MR. WELCH: No, the lot's basically a field.

MR. KANE: We covered that anyway, you put this house, you're going to need some kind of a variance according to the new zoning, though the lot is undersized, there's a home, you live next door to the right as I'm looking at this?

MR. ENGINITO: Yes.

MR. KANE: And you have a home because it's an exact same size lot?

MR. ENGINITO: Yes.

MR. KANE: You don't have a problem with the home being built same size even though it's an undersized lot?

MR. ENGINITO: Right.

MR. KANE: Is this water, Town water and sewer?

MR. BABCOCK: Town water, septic.

MR. KANE: At this point, I will open and close the public portion of the meeting and ask Myra about mailings.

MS. MASON: On the 9th day of March, I compared and mailed 20 addressed envelopes containing the notice of public hearing and I had no response.

MR. KANE: Mike, Joe, got any questions? Anything stick out?

MR. REIS: Accept a motion?

MR. KANE: Steve, any questions?

MR. RIVERA: No, not at all.

MR. KANE: Yes, I will, Michael.

MR. REIS: Make a motion that we grant Sandra and Sandy Welch their requested variances for their property at Mt. Airy Road.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: Are you the owner?

MR. ENGINITO: My in-laws are the owners, they live in Florida.

MS. MASON: I have a proxy.

Sept. 16, 2003

To Whom it may Concern,

George F. and Helen I Pirnik
give permission to Sandy
Welch to go for a variance
on our lot # 65-1-1.2 on
Mt. Airy Rd, New Windsor, N.Y.

Helen I Pirnik
George F Pirnik

SWORN to me
on this 17th day of September
xx/ 2003

JOANN M Bechle

JMB/hs

Joann M Bechle

New York State Notary

Orange County # 01BE4956063

exp 9/11/05



PROJECT: Sandy Welch (Pisnik) ZBA # 04-11
P.B.#

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____

CARRIED: Y_____N_____.

[illegible]

-----X

SANDRA WELCH (PIRNIK)

#04-11

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 9TH day of MARCH, 2004, I compared the 20 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra Mason
Myra L. Mason, Secretary

10th day of March, 2004


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 04-11

Request of SANDRA WELCH (PIRNIK)

for a VARIANCE of the Zoning Local Law to Permit:

Request for: 22,111 ft. Minimum Lot Area and; (C-6)
25 ft. Minimum Lot Width and; (D-6)
5 ft. / 2 ft. Side Yard Setbacks and; (F-6)
7 ft. Total Side Yard Setback (F-6)

For proposed single-family house in an R-3 Zone

for property located at: MT. AIRY ROAD – NEW WINDSOR

known and designated as tax map Section 65 Block 1 Lot 1.2

PUBLIC HEARING will take place on MARCH 22ND, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.


Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

February 18, 2004

Sandra Cella Welch
23 Andrews Street
Cornwall on Hudson, NY 12520

Re: 65-1-1.2 ZBA#04-11

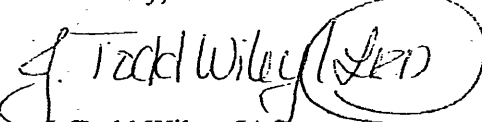
Dear Ms. Welch:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,


J. Todd Wiley, IAO
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

65-1-1.31
Carol Mante
443 Mt. Airy Road
New Windsor, NY 12553

65-1-2
Robert Engenito
457 Mt. Airy Road
New Windsor, NY 12553

65-1-3.1
Thomas & Rose Marie Bradley
5 Marotta Drive
New Windsor, NY 12553

65-1-3.2
Patricia Arnold
13 Marotta Drive
New Windsor, NY 12553

65-1-3.3
Debra Marotta
21 Marotta Drive
New Windsor, NY 12553

65-1-4
Charles & Joann Bechle
467 Mt. Airy Road
New Windsor, NY 12553

65-1-5.1
The Church of Jesus Christ of
Latter Day Saints
50 East North Temple
Salt Lake City, Utah 84150

65-1-5.2 & 65-1-66.1
Kenneth & Della Leonard
2024 17th Street
Lubbock, TX 79401

65-1-66.2
Marjorie & Walter Doering
1831 Fessler Street
Englewood, FL 34223

65-1-68
William & Joan Yeaton
496 Mt. Airy Road
New Windsor, NY 12553

65-1-69.1
John & Mary Cassidy
486 Mt. Airy Road
New Windsor, NY 12553

65-1-69.2
Joseph & Anne Orzo
492 Mt. Airy Road
New Windsor, NY 12553

65-1-70
Robert Fouvy
484 Mt. Airy Road
New Windsor, NY 12553

65-1-71
Jorge Burgos
474 Mt. Airy Road
New Windsor, NY 12553

65-1-72
Kim Doering
466 Mt. Airy Road
New Windsor, NY 12553

65-1-73
Frank Valdina III
458 Mt. Airy Road
New Windsor, NY 12553

65-1-74
Gerald & Catherine Doering
448 Mt. Airy Road
New Windsor, NY 12553

65-1-83.2
Fred & Marion Fay
C/o Rosalie Ceriale
3 Carpenter Road
Rock Tavern, NY 12575

65-1-85
Sesame Estates, Inc.
440 Washington Street
Orange, NJ 07050

65-1-86
I & P Associates
440 Washington Street
Orange, NJ 07050

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 02-11-04 PROJECT NUMBER: ZBA# 04-11 P.B. # _____

APPLICANT NAME: SANDRA CELLA WELCH

PERSON TO NOTIFY TO PICK UP LIST:

SANDRA CELLA WELCH
23 ANDREWS STREET
CORNWALL-ON-HUDSON, NY 12520

TELEPHONE: 534-0393

TAX MAP NUMBER: SEC. 65 BLOCK 1 LOT 1.2
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: MT. AIRY ROAD
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖
NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1204

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

March 9, 2004

Sandra Cella Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520

SUBJECT: REQUEST FOR VARIANCE #04-11

Dear Ms. Welch:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Mt. Airy Road
New Windsor, NY

is scheduled for the March 22, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

SANDRA WELCH (PIRNIK) (04-11)

Mr. Sandy Welch and Mr. Robert Engenito appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. WELCH: I'd like to see if we can have the piece of property put into new usage, it doesn't meet the requirements, it was an existing lot, we had it surveyed, I don't know if you have a copy of this.

MR. KANE: Yes, basically, there's an existing house on this side by today's standards, it doesn't meet the requirements.

MR. KANE: One acre building out there?

MR. BABCOCK: Yes.

MR. ENGENITO: This is a picture of my house next door.

MR. KANE: We've got those.

MR. MINUTA: Has this property recently been subdivided from another piece?

MR. ENGENITO: No, actually, it's been there that way for a long time. My in-laws own the property next to my house, I bought their house and it's exactly the same size lot as what I own, so they live in Florida, they don't want the property anymore, I'm not buying it, it's just too expensive for me and then they just want to get rid of the property.

MR. KANE: Do you know how long this property has been divided like that?

MR. ENGENITO: I think since they bought it in '62 it's always been two separate lots.

MR. KANE: Has there been any current changes in the zoning out in that area?

MR. BABCOCK: Yes, there has actually sometime this year, October of this year, I don't know exact date there would be a 2 acre requirement.

MR. KANE: What about in the past, go back, do you remember?

MR. BABCOCK: No, it's been one acre forever because the old requirements was regardless of today's, regardless of water or sewer back then it was water and sewer, they do not have water or sewer here, they, actually, there's water in the road now.

MR. ENGINITO: And there's a spout hooked up to that piece of property.

MR. BABCOCK: They do have Town water here and I'm not so sure they're not going to be getting Town sewer very soon.

MR. KANE: But it's looking to increase. How many other homes in that particular area are on that size of a piece of property, half acre approximate, do you know?

MR. ENGENITO: Well, the guy on the other side of me is an acre so my house--

MR. BABCOCK: Did you see this, Mr. Chairman?

MR. MINUTA: Tax map shows majority are about an acre.

MR. REIS: You've got about ten lots within 200 yards of their same size.

MR. KANE: Cause while the other request doesn't seem

substantial, the 22,000 square feet is almost half so that's a substantial request.

MR. WELCH: Of today's standards.

MR. KANE: Yeah. Are you going to be creating any water hazards or runoffs with the building of the home?

MR. WELCH: No, it's a relatively flat piece of property, it would require septic.

MR. KANE: Cutting down trees, substantial vegetation?

MR. WELCH: There actually is no trees but the row of pine trees, they're between the two houses which would stay in effect that would buy privacy to the existing house.

MR. KANE: You're to the left of that one?

MR. ENGENITO: Right.

MR. WELCH: That's basically the field where it would sit which is basically farm field.

MR. KANE: Gentlemen, do you have any other questions?

MR. MINUTA: No.

MR. KANE: Steve?

MR. RIVERA: Accept a motion?

MR. KANE: I'll accept a motion.

MR. RIVERA: I move we set up Sandra Welch Pirnik for the requested 22,111 foot minimum lot area, 25 foot minimum lot width, five foot/two foot side yard setback and 7 foot total side yard setback for proposed single-family house on Mt. Airy Road.

February 9, 2004

22

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. REIS: Just for the record, Mr. Welch, your name is Sandy?

MR. WELCH: My wife is Sandra and I'm Sandy.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#134-2004

02/10/2004

Coh Property Management Llc *#04-11 ZBA*

Received \$ 50.00 for Zoning Board Fees, on 02/10/2004. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



RESULTS OF Z.B.A. MEETING OF: 2-9-04

PROJECT: SANORA WELCH PIRVIK ZBA # 04-11
P.B.#

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ **CARRIED:** Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____

APPROVED: M)____S)____ VOTE: A____ N____
 RIVERA _____
 MCDONALD _____ CARRIED: Y____ N____
 REIS _____
 MINUTA _____
 KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

RIVERA	<u>Y</u>	M) <u>REVERA</u> S) <u>REIS</u>	VOTE: A <u> </u> N <u> </u>
MCDONALD	<u> </u>		
REIS	<u>Y</u>		
MINUTA	<u>Y</u>	CARRIED: Y <u>4</u> N <u> </u>	
KANE	<u>Y</u>		

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ VOTE: A___ N___.

RIVERA _____
MC DONALD _____
REIS _____
MINUTA _____
KANE _____

CARRIED: Y_____ N_____.

[illegible]

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: FEBRUARY 2, 2004

FOR: ESCROW #04-11

FROM: COH PROPERTY MANAGEMENT LLC (SANDRA WELCH)

23 ANDREWS STREET

CORNWALL-ON-HUDSON, NY 12520

CHECK NUMBER: 1202

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695**

ZONING BOARD OF APPEALS

February 3, 2004

Sandra Cella Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520

SUBJECT: REQUEST FOR VARIANCE #04-11

Dear Ms. Welch:

This letter is to inform you that you have been placed on the February 9, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Mt. Airy Road
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

*** * MUST READ AND SIGN * ***

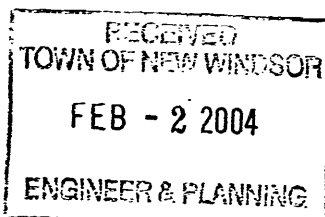
I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).

Sandra Welch
SIGNATURE

1/31/04
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.
(JULY AND AUGUST - ONE MEETING PER MONTH ONLY)





**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

1/31/04
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 534-0393
Fax Number: (845) 534-3975
George and Helen Pirnik
(Name) APPLICANT Sandra Welch
23 Andrews St., Cornwall on Hudson, NY 12520
(Address)

II. If Moving to New Address, please list forwarding address for return of escrow:

Phone Number: ()
(Name) Fax Number: ()
(Address)

III. Attorney:

Phone Number: ()
(Name) Fax Number: ()
(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()
Fax Number: ()
(Name)
(Address)

V. Property Information:

Zone: _____ Property Address in Question: Mt Arty Road
Lot Size: .4924 Acres Tax Map Number: Section 65 Block 1 Lot 1.2
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? y
c. When was property purchased by present owner? _____
d. Has property been subdivided previously? No If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? No
f. Is there any outside storage at the property now or is any proposed? No

****PLEASE NOTE:****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.**

914-541-3266

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	43,560 ft.	21,449 ft.	22,111 ft.
Min. Lot Width	125 ft	100 ft.	25 ft.
Reqd. Front Yd.	45 ft.	N/A	N/A
Reqd. Side Yd.	20 ft	15/18 ft.	5 ft./2 ft.
Reqd. Rear Yd.	50 ft.	N/A	N/A
Reqd. St Front*	70 ft.	N/A	N/A
Max. Bldg. Hgt.	35 ft.	N/A	N/A
Min. Floor Area*	1200	N/A	N/A
Dev. Coverage*	10	N/A	N/A
Floor Area Ratio**	N/A	N/A	N/A
Parking Area	N/A	N/A	N/A

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The ZBA should grant the attached application for variance because the proposed dwelling would be an asset to the community and in no way cause any hardship to the environment or the neighborhood. The dwelling would improve and conform to the rest of the houses on Mt. Airy Rd.

This ~~is~~ difficulty was not self created but occurred when the zoning laws changed which created the need for this variance. This parcel was always a separate deeded building lot which was kept for the purpose of an investment for retirement years. However, other houses in the vicinity are already on this size parcel so it would fit in quite nicely.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
 - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

See Attached Authorization
Owner's Signature (Notarized)

2nd day of February 2003.

JENNIFER MEAD

Notary Public, State Of New York

No. 01ME6050024

Qualified In Orange County

Commission Expires 10/30/2006

Signature and Stamp of Notary

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Please see attached Notarized Letter.

_____, deposes and says that he resides
(OWNER)

at _____ in the County of _____
(OWNER'S ADDRESS)

and State of _____ and that he is the owner of property tax map

(Sec. _____ Block _____ Lot _____)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

Sandy Welch
(Applicant Name & Address, if different from owner)

23 Andrews St., Cornwall on Hudson, NY
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: _____

Sworn to before me this:

_____ day of _____ 20____

**

See attached Authorization
Owner's Signature (MUST BE NOTARIZED)



Applicant's Signature (If different than owner)

Representative's Signature

Signature and Stamp of Notary

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐